

Arizona Department of Juvenile Corrections
General Operating Policy
Chapter: Youth Rights and Hearings
Rule: Juvenile Grievances

No. GOP 2304
Effective: 02/02/05
Replaces: 2304
Dated: 05/14/04

A.R.S. §41-2804	A.C.A. Standard 3-JTS-3D-09	A.A.C
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Arizona Department of Juvenile Corrections (ADJC) shall ensure that juveniles have access to a system for identifying and promptly resolving grievances, as is constitutionally required. If the issue suggests that the juvenile is or has been a victim of neglect, abuse, child abuse, physical injury, or serious physical injury, the grievance shall immediately be forwarded to the Investigations and Inspections Unit with a copy to the Superintendent/Community Corrections Administrator, Youth Rights Ombuds Administrator and Assistant Director for Legal Systems.

Michael D. Branham, Director

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Definitions:

1. **Grievance:** Means a formal complaint regarding a condition, circumstance, or action considered by the grievant to be unjust.
2. **Juvenile Ombuds** - formerly known as Youth Rights Specialist. The Juvenile Ombuds located at each secure facility, under the direction of the Youth Rights Ombudsman, ensure that juveniles under the jurisdiction of the Arizona Department of Juvenile Corrections are informed and understand their rights. Juvenile Ombuds administer both formal and informal conflict resolution processes, including ADJC's grievance and mediation processes for juveniles in the secure facility and on conditional liberty. Juvenile Ombuds provide training to ADJC staff on legal processes and juvenile rights issues. Juvenile Ombuds are utilized as a legal resource for both staff and juveniles; therefore, they must be knowledgeable and well versed in current

Department policies and procedures, case law and recent changes to the Arizona Revised Statutes.

3. **Juvenile Grievance Coordinator:** Means a juvenile in each housing unit assigned by the Juvenile Ombuds to distribute grievances and explain the grievance process to other juveniles on the housing unit.
4. **Student Council:** Means a group of juveniles selected at each facility by staff members to collectively problem solve, communicate, offer suggestions for activities or events, provide awareness of issues and offer solutions in a considerate and responsible manner.
5. **Abuse:** Means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual having care, custody and control of a child. Abuse shall include inflicting or allowing sexual abuse, sexual conduct with a minor, sexual assault, molestation of a child, commercial sexual exploitation of a minor, sexual exploitation of a minor, incest, or child prostitution. A.R.S. §8-201.
6. **Child Abuse:** Means under circumstances likely to produce death or serious physical injury, any person who causes a child to suffer physical injury or, having the care or custody of a child who causes or permits the person or health of the child to be injured or who causes or permits a child to be placed in a situation where the person or health of the child is endangered is guilty of an offense. Under circumstances other than those likely to produce death or serious physical injury to a child, any person who causes a child to suffer physical injury or abuse or, having the care or custody of a child, who causes or permits the person or health of the child to be injured or who causes or permits a child to be placed in a situation where the person or health of the child is endangered. The terms endangered and abuse include but are not limited to circumstances in which a child is permitted to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment is possessed by any person for the purpose of manufacturing a dangerous drug. A.R.S. §13-3623.
7. **Neglect or neglected:** Means the inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes substantial risk of harm to the child's health or welfare, except if the inability of a parent or guardian to provide services to meet the needs of a child with a disability or chronic illness is solely the result of the unavailability of reasonable services. A.R.S. §8-201.
8. **Physical injury:** Means the impairment of physical condition and includes any skin bruising, pressure sores, bleeding, failure to thrive, malnutrition, dehydration, burns, fracture of any bone, subdural hematoma, soft tissue swelling, injury to any internal organ or any physical condition that imperils health or welfare. A.R.S. §13-3623.
9. **Serious physical injury:** Means physical injury that creates a reasonable risk of

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death or that causes serious or permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb.
A.R.S. §13-3623.